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UNCLAS SECTION 01 OF 02 TASHKENT 001481

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SUBJECT: Uzbekistan: Update on Trial of Journalist Dilmurod Sayid

REF: REF A: TASHKENT 1437; REF B: TASHKENT 915; REF C: TASHKENT 1479
REF C: TASHKENT 279; REF D. TASHKENT 217

¶1. (U) Summary: The Samarkand Regional Criminal Court commenced a hearing for journalist Dilmurod Sayid (aka Sayyidov) in Samarkand Province on Tuesday, September 8, 2009, to consider his harsh prison sentence and various procedural irregularities during his trial. Midway through the hearing, arguments erupted between the judge and defense attorneys, and the attorneys walked out of the courtroom in protest. Poloff attempted to attend the hearing, but was denied access. End summary.

The Case

¶2. (U) Despite witnesses recanting their statements against him, journalist Dilmurod Sayid was convicted on June 30 and sentenced to 12 and a half years in prison on charges of extortion and bribery. (See Ref A.) Three others were also sentenced for their participation in the dealings. At the appellate hearing, only three of the four defendants were present. When defense attorneys asked about the fourth defendant, Turi Ergashev, they were told that he had signed a full confession, and therefore did not need to be present for the appeal. Sayid's attorney Ruhiddin Komilov protested vehemently on the basis that Ergashev is illiterate, and should have been present so the court could ensure that he knew what he was signing.

¶3. (SBU) Komilov and Abdurahmon Tashanov, a human rights activist and journalist who also assisted in Sayid's defense, told poloff that they tried to argue several motions to the three-judge panel, but the Court refused to hear the arguments. When the lead judge started reading the decision in the case without a full consideration of the motions, the defense attorneys for Sayid and the other defendants protested and walked out, effectively ending the session. (Note: One press report today states that the Court decided to summon Ergashev to attend the trial, which will continue today, but that information has not been confirmed.)

¶4. (SBU) Lawyer Komilov and Advocate Tashanov indicated they have little reason to believe that their motions to overturn this conviction will be successful. They are preserving the record,

however, and if their efforts are not successful at this level, they will appeal to the Supreme Court and then to the UN Committee on Human Rights.

Access Denied

15. (SBU) Poloff and LES assistant attempted to attend the hearing, which was supposed to be open to the public. After presenting identification and proof of accreditation at the entrance to the court, a two-hour delay ensued, which was likely due at least in part to our presence. When the hearing finally began, we entered the courtroom, but the lead judge immediately asked who we were and informed us that we should have filed a request to participate through the Supreme Court and the MFA - something that has not been required in the past. Defense attorney Komilov requested that LES assistant be allowed to remain in her capacity as an Uzbek citizen, but the Court denied this request.

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16. (SBU) Outside the court building, between 40 and 50 people - mostly friends and family of Sayid - waited to hear the decision of the court. Sayid's eighty-six year old mother, a former prosecutor herself, exited the courtroom sobbing at one point, exclaiming that she knew how justice was supposed to work, and that this certainly wasn't it. Sayid's wife, Barno Jumanova, was also distraught. She showed us a book she has put together with Sayid's more controversial writings, as well as court documents from the case. She told us how she believes that the judge at the initial hearing believed Sayid was not guilty, but that the decision was out of his hands. Both women are concerned about Sayid's health, as he appears to have lost weight while in detention, and he has not been receiving medication needed to treat his tuberculosis.

Comment

17. (SBU) Post reported early this spring that there was some hope that Sayid would be released based on the weakness of the evidence presented at trial. (See Ref B.) At this point, however, there is little reason to hope that the conviction will be overturned. The fact that the lead judge on the case began reading the decision even before the motions had been fully discussed is a telling sign that the case has already been decided. International pressure continues, however; for example, last week the OSCE issued a statement requesting the GOU to review the decision, and our presence at this hearing was quickly picked up by the internet press. It's possible that this kind of attention could result in a lighter sentence on appeal. Sayid may also be eligible for amnesty under the recently released amnesty decree (see Ref C), although there are many subjective factors that would also exclude him from that process. At this point, his situation seems dire.

NORLAND